

**ORDINANCE NO. 2022-XX**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER XIV, “BUILDING AND HOUSING”, SECTION 14-12 “RESIDENTIAL RENTAL PERMITS AND INSPECTIONS” OF THE CODE OF ORDINANCES, BY CREATING A NEW SECTION 14-12.8 “WRITTEN NOTICE REQUIRED TO INCREASE RENT FOR RESIDENTIAL RENTAL PROPERTIES”; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Mayor and City Commission of the City of North Miami Beach seek to protect and preserve the quality of life within the City; and

**WHEREAS**, the City has many residents who rent property in the city, and due to a number of factors, including the ongoing Covid-19 pandemic, it has become increasing difficult for potential renters to find or remain in suitable housing, at an affordable price; and

**WHEREAS**, many tenants who were previously able to find and secure a tenancy in residential property, have been surprised by landlords suddenly seeking to increase the tenant’s periodic rental payment or other material terms of the lease agreement; and

**WHEREAS**, tenants have been forced, quite suddenly, to pay more rent or to seek to find other residential property to rent; and

**WHEREAS**, pursuant to Florida General Opinion 94-41, in conjunction with section 83.575, Florida Statutes, the City has the legal authority to require that residential landlords provide up to sixty (60) days’ notice to tenants prior to amending or terminating a residential tenancy; and

**WHEREAS**, the City of North Miami Beach finds that it is necessary, in order to better protect tenants in the City, to establish a required minimum notice period for residential landlords prior to the landlord increasing the rental rate of certain tenants beyond a specified percent.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Commission of the City of North Miami Beach, Florida:

**Section 1.** That the recitals and finding contained in the forgoing “whereas” clauses are adopted by reference and incorporated as if fully set forth in this section.

**Section 2.** That Chapter XIV, entitled “Building and Housing,” Section 14-12 “Residential Rental Permits and Inspections,” shall be amended by creating a new section 14-12.8 entitled “Written Notice Required to Increase Rent for Residential Rental Properties” as follows (*deletions and additions are identified using a ~~strike through~~ and underline format, respectively*):

Sec. 14-12.8 Written Notice Required to Increase Rent for Residential Rental Properties.

a. A residential landlord who proposes to increase the rental rate by more than five percent (5%) at the end of a lease for a specific term, or during a tenancy without a specific duration in which

the rent is payable on a monthly basis, must provide sixty (60) days' written notice to the tenant or tenants as applicable ("tenant") before the tenant is required to:

1. Accept the proposed rent amendment;
2. Reach an acceptable compromise; or
3. Reject the proposed rent amendment to the tenant's tenancy.

If the required sixty (60) days' written notice has been provided to the tenant and the tenant has not agreed to the proposed amendment or an acceptable compromise, then the landlord may impose the proposed rental rate increase or require the tenant to vacate the residence.

b. This section shall be enforced by code enforcement as set forth in Chapter XIV.

**Section 3.** All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 4.** If any clause, section, other part or application of this Ordinance is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Ordinance.

**Section 5.** It is the intention of the City Commission of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or re-lettered to accomplish this intention and the word "Ordinance" may be changed to "Section," "Article," or other word as the codified may deem appropriate.

**Section 6.** This Ordinance shall become effective ten (10) days after adoption on second reading.

APPROVED on this first reading this **15<sup>th</sup> day of February, 2022.**

APPROVED AND ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

\_\_\_\_\_  
ANDRISE BERNARD, MMC  
CITY CLERK

\_\_\_\_\_  
ANTHONY F. DEFILLIPO  
MAYOR

(CITY SEAL)

APPROVED AS TO FORM, LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
HANS OTTINOT,  
INTERIM CITY ATTORNEY

Sponsored by: Commissioner Paule Villard